

HEALTH AND SENIOR SERVICES

OFFICE OF BUDGET, FINANCE AND INFORMATION TECHNOLOGY

BUREAU OF VITAL STATISTICS AND REGISTRATION

Certificate of Domestic Partnership

Proposed New Rules: N.J.A.C. 8:2B

Authorized By: Clifton R. Lacy, M.D.

Commissioner, Department of Health and Senior Services

Authority: N.J.S.A. 26:8A-12.

Calendar Reference: See Summary below for explanation of exception to
calendar requirement.

Proposal Number: PRN 2005 -16

Submit written comments by March 19, 2005 to:

Joseph A. Komosinski, State Registrar

Department of Health and Senior Services

P.O. Box 370

Trenton, New Jersey 08625-0370

The agency proposal follows:

Summary

The Department is proposing a new chapter, N.J.A.C. 8:2B, concerning Certificates of Domestic Partnership, pursuant to the Domestic Partnership Act, P.L. 2003, c.246 (the Act). The Act instructs the Commissioner of Health and Senior Services, among other things, to adopt rules relating to the filing of

Affidavits of Domestic Partnership, issuance of Certificates of Domestic Partnership and maintenance of records of domestic partnership.

Proposed N.J.A.C. 8:2B would set forth the criteria for establishing a domestic partnership and the procedure by which persons may become domestic partners. It would also explain the responsibilities of local registrars and the State Registrar with regard to the filing of Affidavits of Domestic Partnership, issuance of Certificates of Domestic Partnership, collection of fees, maintenance of records of Domestic Partnership, providing forms for the filing of Affidavits of Domestic Partnership and Certificates of Domestic Partnership, and imposing penalties against those who violate the provisions of the Act.

In addition to promulgating rules for the filing of Affidavits of Domestic Partnership, issuance of Certificates of Domestic Partnership, and maintenance of records of domestic partnership, in accordance with the Act, the Department is proposing the incorporation within proposed N.J.A.C. 2B of measures to deter the misuse of Certificates of Domestic Partnership by establishing safeguards regarding the issuance of such records, pursuant to Executive Order #18. The measures that the Department is proposing for incorporation into new N.J.A.C. 2B, discussed in detail below, are identical to those measures that the Department proposes elsewhere within this issue of the New Jersey Register with regard to the proposed readoption with amendment of existing N.J.A.C. 8:2 (Birth Certificates) and N.J.A.C. 8:2A (Death Records).

A summary of the subchapters of proposed new N.J.A.C. 8:2B follows:

Proposed N.J.A.C. 8:2B-1 would set forth the general provisions of the chapter. Specifically, it would indicate the application and scope of the chapter, namely, that it is being promulgated by the Department in order to implement the Act and that it sets forth the procedures for filing of Affidavits of Domestic Partnership, the issuance of Certificates of Domestic Partnership and the maintenance of records of domestic partnership. The subchapter would also define words and terms to be used throughout the chapter.

Proposed N.J.A.C. 8:2B-2 would set forth the criteria and procedures for establishing a domestic partnership required under the Act, including the filing of an Affidavit of Domestic Partnership and the issuance of a Certificate of Domestic Partnership. As proposed, N.J.A.C. 8:2B-2 would also establish the fee to be paid to the Department for filing an Affidavit of Domestic Partnership, which fee would be consistent with the fee established by law for remittance to the State for the issuance of a marriage license. Specifically, N.J.S.A. 37:1-12.1 provides that for each marriage license issued, the local licensing officer shall collect a fee of \$25.00 from the applicants, which fee shall be forwarded to the State. The law regarding marriage also entitles local licensing officers to receive the sum of \$3.00 from applicants for each marriage license issued. See N.J.S.A. 37:1-12. However, the Domestic Partnership Act, P.L. 2003, c.246, indicates that the fee required for filing of an Affidavit of Domestic Partnership “shall be deposited in the General Fund,” and is silent regarding the payment of a fee paid by applicants to local registrars. Consequently, the Department is unable to include within the proposed new rules a provision for the payment of a fee to

local registrars by applicants for domestic partnership. The absence of such a provision within proposed N.J.A.C. 8:2B, however, does not preclude local registrars from establishing such a fee by ordinance. In addition, the subchapter would set forth the procedure for assessing civil penalties against those who falsify an Affidavit of Domestic Partnership in violation of the provisions of N.J.S.A. 26:8A-4. The Department is empowered to seek and enforce such penalties under N.J.S.A. 26:8A-4(c) and N.J.S.A. 2A:58-10, et seq. (Penalty Enforcement Law of 1999).

Proposed N.J.A.C. 8:2B-3 would explain the procedures for obtaining certified copies and certifications of records related to domestic partnership. These proposed procedures are in accord with Executive Order #18 which requires in pertinent part that the Department establish uniform forms for the issuance of certified copies of vital records which contain safety features for authentication purposes and to deter forgery. Executive Order #18 also requires, and the proposed procedures would ensure, that the certified copy form created by the Department is readily distinguishable from the form designated for certifications of vital records which shall be used for informational purposes only. In addition, Executive Order #18 requires, and the proposed procedures would ensure, that a State or local registrar may issue a certified copy of an Affidavit of Domestic Partnership or a Certificate of Domestic Partnership only to persons who establish themselves as, (1) the subject of the vital record, (2) the subject's parent, legal guardian or legal representative, (3) the subject's child, grandchild or sibling, if of legal age, (4) a State or federal agency seeking the record for

official purposes, (3) a person seeking the record pursuant to court order, or (4) a person seeking the record under other emergent circumstances, as determined on a case-by-case basis by the Commissioner.

Proposed N.J.A.C. 8:2B-3 would also provide that those requesting a search of the records of domestic partnership by the State Registrar must pay a fee of \$25.00, except as provided under N.J.S.A. 26:63, plus a fee of \$2.00 for each additional record of domestic partnership provided by the State Registrar. These fees are consistent with the fees proposed elsewhere in this issue of the New Jersey Register for other vital records; specifically, birth certificates (N.J.A.C. 8:2) and records of death (N.J.A.C. 8:2A) and are consistent with the provisions of N.J.S.A. 26:8-64, which states in pertinent part that for any search of the files and records of births, deaths, marriages or domestic partnerships, whether or not a certification or a certified copy is made, the State Registrar shall be entitled to a minimum fee of \$4.00, plus a fee for each additional copy of \$2.00. The Department's justification for setting the fee at \$25.00 may be found elsewhere in this issue of the New Jersey Register within the notices of proposal for readoption with amendments of N.J.A.C. 8:2.

Proposed N.J.A.C. 8:2B-4 would address, (1) the obligation of persons having knowledge of the facts relative to a domestic partnership to supply such information as may be required by the State Registrar, (2) the procedure for correcting Certificates of Domestic Partnership, and (3) actions required of the State Registrar upon termination of a domestic partnership by the Superior Court. The sections pertaining to the obligation of persons to supply information upon

the request of the State Registrar and the procedure for correcting Certificates of Domestic Partnership are consistent with Department policy regarding all vital records, including records of birth, death and marriage. The section regarding the termination of domestic partnerships is consistent with N.J.S.A. 28:8A-10.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

As explained above, the proposed new chapter does not create the institution of domestic partnership, nor does it create the rights and obligations associated with domestic partnership, but rather, establishes the procedures by which persons who meet the criteria for domestic partnership under the Act shall go about registering domestic partnerships with the State and local registrars. The proposed new chapter will result in a positive social impact both on local registrars and persons wishing to enter into domestic partnerships, because it extracts from the extensive and varied provisions of the Act, just the procedural requirements pertaining to the filing of Affidavits of Domestic Partnership, issuance of Certificates of Domestic Partnership and maintaining records of domestic partnerships,. For those seeking guidance as to how precisely to go about registering a domestic partnership, the proposed new chapter will be an invaluable resource. Moreover, for the State Registrar and local registrars who are required under the Act to process the vital records associated with domestic partnerships, the proposed new chapter will provide a needed roadmap.

Economic Impact

Under the proposed new chapter, persons seeking the issuance of a Certificate of Domestic Partnership under the Act would be required to pay the same fee as is currently required by law of those seeking the issuance of a marriage license. Currently, under N.J.S.A. 37:1-12 and 37:1-12.1, the sum of fees required for the issuance of a marriage license is \$28.00. Those seeking to become domestic partners under the Act would be required under proposed N.J.A.C. 8:2B-2.3 to remit the identical fee to the local registrar in order to file an Affidavit of Domestic Partnership and, thereby, secure a Certificate of Domestic Partnership.

With regard to those wishing to obtain certified copies or certifications of a Certificate of Domestic Partnership from the State Registrar, such persons would be required under the proposed new chapter to remit to the State Registrar the same fee as is proposed elsewhere in this issue of the New Jersey Register in order to obtain certified copies and certifications of birth certificates and records of death under N.J.A.C. 8:2 and 8:2A, respectively. Specifically, for any search of the files and records of domestic partnership by the State Registrar, whether or not a certification or certified copy is made, the State Registrar would be entitled to a fee of \$25.00, which fee would be paid by the applicant. In addition, the proposed new chapter would require that applicants pay a fee of \$2.00 for each additional copy of a record of domestic partnership provided by the State Registrar.

As explained elsewhere in this issue of the New Jersey Register with regard to the proposed readoption with amendment of N.J.A.C. 8:2, N.J.S.A. 26:8-64 currently provides that for any search of the files and records of births, deaths, marriages or domestic partnerships, whether or not a certification or a certified copy is made, the State Registrar shall be entitled to a minimum fee of \$4.00, plus a fee of \$1.00 for each additional year searched, which fee shall be paid by the applicant, except as provided by N.J.S.A. 26:8-63, and that the fee for each additional copy shall be \$2.00. Since 1983, the Department has charged those requesting a search of vital records only the minimum fee of \$4.00. During that time, the Department has strived to provide a significant upgrade in services, but has found it difficult to do so under the current fee structure. Moreover, a comparison of fee rates for birth and death record searches listed in the United States Census Bureau report, entitled, "Where to Write for Birth and Death Records in the United States and Outlying Areas," reveals that New Jersey charges the third lowest rate in the country. Since the events of September 11, 2001, the nationwide demand for increased security has made it necessary for our citizens to provide proof of their identities in order to obtain vital records. The mandate set forth in the Governor's Executive Order #18 instructs the Department to protect the vital records of our citizenry, thereby requiring more involved security measures. Consequently, providing service to our citizenry has become more labor intensive, time consuming and costly. The proposed fee of \$25.00 in order to search the files and records of domestic partnership, commensurate with the proposed increase in the fee from \$4.00 to

\$25.00 for searches of the files and records of birth and death discussed elsewhere in this issue of the New Jersey Register, would be entirely consistent with the provisions of N.J.S.A. 26:8-64, which entitles the State Registrar to a “minimum fee of \$4.00,” and would generate a significant portion of the revenue needed to offset the expenses incurred by the Office of the State Registrar to purchase certificate paper with security features, the cost of technology to be procured to effect standardized storage and issuance of vital records and to hire additional personnel if needed. Fees to obtain certified copies or certifications from local registrars are set by municipal ordinance.

Federal Standards Statement

The proposed new rules are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Jobs Impact

As indicated within both the summary and the economic impact statement, the proposed \$25.00 fee for any search of the files and records of domestic partnership by the State Registrar may facilitate the hiring of additional staff by the Department, if needed, in order to perform the functions required of the Office of the State Registrar in recording and issuing official documents related to vital records and doing so using the more labor intensive and costly safety measures mandated by Executive Order #18. As explained above, these safety measures were mandated by the Governor in order to protect the citizenry of New Jersey

and the nation against those seeking to perpetrate frauds and other crimes as well as those who wish to endanger the safety and security of our State and the nation through terrorism. With the exception of the above, the Department does not expect that the proposed new rules would result in the generation or loss of jobs in the State.

Agriculture Industry Impact

The proposed new rules would not have an impact on the agriculture industry of the State.

Regulatory Flexibility Statement

The proposed new rules would not impose reporting or recordkeeping requirements on small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16, et seq. Rather, the proposed new rules would affect only the State Registrar, local registrars and individuals wishing to register domestic partnerships. Consequently, a Regulatory Flexibility Analysis is not required.

Smart Growth Impact

The Department does not anticipate that the proposed new rules would have any impact on smart growth in New Jersey or on the implementation of the New Jersey State Development and Redevelopment Plan.

Full text of the proposed new rules follows:

CHAPTER 2B

CERTIFICATE OF DOMESTIC PARTNERSHIP

SUBCHAPTER 1. GENERAL PROVISIONS

8:2B-1.1 Application and scope

The rules of this chapter are promulgated by the Department of Health and Senior Services in order to implement the “Domestic Partnership Act,” P.L. 2003, c. 246. The Act provides, among other things, that there shall be procedures for the filing of Affidavits of Domestic Partnership, issuance of Certificates of Domestic Partnership and maintaining of records of domestic partnership.

8:2B-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Affidavit of Domestic Partnership” means an affidavit that sets forth each party’s name and age, the parties’ common mailing address, and a statement that, at the time the affidavit is signed, both parties meet the requirements of this chapter for entering into a domestic partnership and wish to enter into a domestic partnership with each other.

“Basic Living Expenses” means the cost of basic food and shelter, and any other cost, including, but not limited to, the cost of health care, if some or all of the cost is paid as a benefit because a person is another person’s domestic partner.

“Certified Copy” means a copy of a vital record issued on a special type of safety paper containing a variety of security features and stamped with the raised seal of the State of New Jersey or the seal of the municipality or county where the copies are issued, and verified by the Office of the State Registrar as true and correct.

“Certification” means a document containing information obtained from a vital record made available for informational purposes only. It cannot be used for proof of identity or for legal purposes. It is created on plain bond paper without the raised seal of the State of New Jersey or the seal of the municipality where the certifications are issued.

“Certificate of Domestic Partnership” means a certificate that includes: the full names of the domestic partners, a statement that the two individuals are members of a registered domestic partnership recognized by the State of New Jersey, the date that the domestic partnership was entered into, and a statement that the partners are entitled to all the rights, privileges and responsibilities accorded to domestic partners under the law. The certificate shall bear the seal of the State of New Jersey.

“Commissioner” means the Commissioner of Health and Senior Services.

“Common Residence” means that two persons share the same place to live in this State, or share the same place to live in another jurisdiction when at least one of the persons is a member of the New Jersey State-administered retirement system, regardless of whether or not: the legal right to possess the place is in both of their names; one or both persons have additional places to live; or one person temporarily leaves the shared place of residence to reside elsewhere, on either a short-term or long-term basis, for reasons that include, but are not limited to , medical care, incarceration, education, a sabbatical or employment, but intends to return to the shared place of residence.

“Department” means the Department of Health and Senior Services.

“Domestic Partner” or “Partner” means a person who is in a relationship that satisfies the definition of a domestic partnership as set forth in P.L. 2003,c 246.

“Genealogical records” means vital records traditionally requested for the purpose of obtaining the lineage of a person, family or group from a family. Records of domestic partnership are considered genealogical after 50 years have passed from the date of the domestic partnership.

“Identify “means to provide, by way of approved application, letter, or facsimile, detailed proof of knowledge of the vital record being requested and must include at a minimum, all information requested on the Vital Statistics and Registration application form.

“Jointly Responsible” means that each domestic partner agrees to provide for the other partner’s basic living expenses if the other partner is unable to provide for himself.

“Local Registrar” means the local registrar of vital statistics of any district.

“Notice of Rights and Obligations of Domestic Partners” means a form that advises domestic partners, or persons seeking to become domestic partners, of the procedural requirements for establishing, maintaining, and terminating a domestic partnership, and includes information about the rights and responsibilities of the partners.

“State Registrar” means the State Registrar of Vital Statistics

“Vital Records” means the birth, death, fetal death, marriage, and domestic partnership records from which vital statistics are produced.

“Vital Statistics” means statistics concerning births, deaths, fetal deaths, marriages and domestic partnerships.

SUBCHAPTER 2. ESTABLISHING A DOMESTIC PARTNERSHIP

8:2B-2.1 Filing of an Affidavit of Domestic Partnership

(a) Two persons who desire to become domestic partners and who meet the requirements of subsection (b) below may, upon payment of the appropriate fee as set forth at N.J.A.C. 8:2B-2.3, complete an Affidavit of Domestic Partnership and file that Affidavit of Domestic Partnership with the local registrar.

1. The State Registrar shall prepare blank forms of Affidavits of Domestic Partnership and make those forms available to all local registrars.

i. Blank forms of Affidavits of Domestic Partnership may be obtained by local registrars from the Bureau of Vital Statistics and Registration of the Department of Health and Senior Services, P.O. Box 370, Trenton, New Jersey, 08625-0370.

2. Local registrars shall make blank forms of Affidavits of Domestic Partnership available to all persons seeking to become domestic partners.

(b) A domestic partnership shall be established when all of the following requirements are met:

1. Both persons share a common residence within the State of New Jersey or both persons share a common residence in another jurisdiction when at least one of those persons is a member of a New Jersey State-administered retirement system;

2. Both persons are jointly responsible for each other's common welfare as evidenced by joint financial arrangements or joint ownership of real or personal property, which shall be demonstrated by at least one of the following:

i. a joint deed, mortgage agreement or lease;

ii. a joint bank account;

iii. designation of one of the persons as a primary beneficiary in the other person's will;

- iv. designation of one of the persons as a primary beneficiary in the other person's life insurance policy or retirement plan; or
 - v. joint ownership of a motor vehicle;
3. Both persons agree to be jointly responsible for each other's basic living expenses during the domestic partnership;
 4. Neither person is in a marriage recognized by New Jersey law or a member of another domestic partnership;
 5. Neither person is related to the other by blood or affinity up to and including the fourth degree of consanguinity;
 6. Both persons are of the same sex and therefore unable to enter into a marriage with each other that is recognized by New Jersey law, except that two persons who are each 62 years of age or older and not of the same sex may establish a domestic partnership if they meet the requirements of this section;
 7. Both persons have chosen to share each other's lives in a committed relationship of mutual caring;
 8. Both persons are at least 18 years of age;
 9. Both persons file jointly an Affidavit of Domestic Partnership; and
 10. Neither person has been a partner in a domestic partnership that was terminated less than 180 days prior to the filing of the current Affidavit of Domestic Partnership, except that this prohibition shall not apply if one of the partners died; and, in all cases in which a person registered a prior

domestic partnership shall have been terminated in accordance with
N.J.S.A. 26:8A-10.

(c) Upon receipt of a completed notarized Affidavit of Domestic Partnership and upon receipt of the appropriate fee pursuant to N.J.A.C. 8:2B-2.3, the local registrar shall:

1. Stamp the completed Affidavit of Domestic Partnership with the date of its receipt and the name of the registration district in which it is filed, and mark the document "filed;" and
2. Immediately provide two copies of the stamped Affidavit of Domestic Partnership to the person who filed the document.

(d) Each local registrar shall, on or before the 10th day of each calendar month, or sooner if requested by the Department, transmit to the State Registrar the original of all Affidavits of Domestic Partnership filed with the local registrar during the preceding month.

(e) The State Registrar shall cause all Affidavits of Domestic Partnership received to be alphabetically indexed by the surname of one of the partners and shall cross-reference each Affidavit of Domestic Partnership so filed to allow the records to be identified by the surname of the second partner.

8:2B-2.2 Issuance of a Certificate of Domestic Partnership

(a) Upon filing by the persons seeking to become domestic partners of the Affidavit of Domestic Partnership with the local registrar and upon receipt by the local registrar of the appropriate fee pursuant to N.J.A.C. 8:2B-2.3, the local

registrar shall immediately complete a Certificate of Domestic Partnership containing the domestic partners' relevant information and the date that the domestic partnership was established.

(b) After completing a Certificate of Domestic Partnership pursuant to subsection (a) above, the local registrar shall issue to the domestic partners two copies of the Certificate of Domestic Partnership and two copies of the Notice of the Rights and Obligations of Domestic Partners.

1. Blank forms of Certificates of Domestic Partnership and copies of the Notice of Rights and Obligations of Domestic Partners may be obtained by local registrars from the Bureau of Vital Statistics and Registration of the Department of Health and Senior Services, P.O. Box 370, Trenton, New Jersey, 08625-0370.

(c) Each local registrar shall, on or before the 10th day of each calendar month, or sooner if requested by the Department, transmit to the State Registrar the original of all Certificates of Domestic Partnership issued by the local registrar during the preceding month.

(d) The State Registrar shall cause all Certificates of Domestic Partnership received to be alphabetically indexed by the surname of one of the partners and shall cross-reference each Certificate of Domestic Partnership so filed to allow the records to be identified by the surname of the second partner.

8:2B-2.3 Fee for filing an Affidavit of Partnership

(a) The fee for filing an Affidavit of Domestic Partnership shall be consistent with the fee established for the issuance of a marriage license as set forth in N.J.A.C. 37:1-12.1.

(b) The local registrar shall collect the fees from applicants for domestic partnership and shall forward those fees to the Department on a quarterly basis.

8:2B-2.4 Civil Penalty

(a) A person who executes an Affidavit of Domestic Partnership in violation of the provisions of N.J.S.A. 26:8A-4 shall be subject to a civil penalty in an amount not to exceed \$1,000.

(b) The local registrar shall report to the State Registrar any and all known or suspected violations of the provisions of N.J.S.A. 26:8A-4.

(c) The Department, upon receipt of a report of violation from the local registrar, or of its own accord, may set a fixed amount of money as a civil penalty, not to exceed \$1,000, against those persons who it determines have executed an Affidavit of Domestic Partnership in violation of the provisions of N.J.S.A. 26:8A-4.

(d) Whenever the Department shall find cause to impose a civil penalty under (c) above, it shall notify the person against whom the penalty has been imposed of the reasons therefor, in writing, and provide an opportunity for a hearing in accordance with the Administrative Procedures Act, N.J.S.A. 52:14B-1, et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) All requests for hearing shall be filed within 10 business days from the date of receipt of the notice. The Commissioner or his or her designee shall issue the final decision in accordance with the applicable provisions of the Administrative Procedure Act and the Uniform Administrative Procedure Rules.

1. All requests for hearing shall be in writing and shall be directed to the following address:

State Registrar – Hearing Request

Bureau of Vital Statistics and Registration

P.O. Box 370

Trenton, New Jersey 08625-0370

SUBCHAPTER 3 ACCESS TO CERTIFICATES AND AFFIDAVITS OF DOMESTIC PARTNERSHIP

8:2B-3.1 Certified Copies

(a) The State Registrar or a local registrar may only issue a certified copy of a Certificate of Domestic Partnership or Affidavit of Domestic Partnership to a person who satisfies the following requirements:

1. The person is able to identify the record;
2. The person provides, at a minimum, all of the information requested on the Vital Statistics and Registration application form; and
3. The person produces documentation verifying that he or she is:

- i. One of the subjects listed on the Certificate of Domestic Partnership;
- ii. The subject's parent;
- iii. The subject's legal guardian or legal representative;
- iv. The subject's child, grandchild or sibling, if of legal age;
- v. A State or federal agency requesting the record for official purposes;
- vi. A person requesting the record pursuant to a court order;
- vii. A person requesting the record under emergent circumstances, as determined by the Commissioner.

8:2B-3.2 Certifications

(a) The State Registrar or local registrar may issue certifications containing information obtained from the Affidavit of Domestic Partnership or Certificate of Domestic Partnership to requestors not identified in N.J.A.C. 8:2B-3.1(a)3, so long as those requestors are first able to identify the record sought.

(b) All certifications issued under (a) above shall state that they are for informational purposes only and are not to be used for identification or legal purposes.

8:2B-3.3 Fees for certified copies and certifications

(a) For each search of the records of domestic partnership by the State Registrar, whether or not a certification or a certified copy is made, the applicant

shall remit to the State Registrar a fee of \$25.00, with the exception of searches under subsection (b) below and searches for which there shall be no fee pursuant to N.J.S.A. 26:8-63.

(b) For any search of genealogical records of domestic partnership, whether or not a certification or certified copy is made, the applicant shall remit to the State Registrar a fee of \$25.00, plus a fee of \$1.00 for each additional year searched, except as provided by N.J.S.A. 26:8-63.

(c) The fee for each additional copy of a record of domestic partnership provided by the State Registrar shall be \$2.00.

(d) Fees for certified copies or certifications obtained from a local registrar shall be set by municipal ordinance.

SUBCHAPTER 4 OBLIGATION TO REPORT, CORRECTIONS TO CERTIFICATES, AND TERMINATION OF A DOMESTIC PARTNERSHIP

8:2B-4.1 Obligation to Report

(a) Upon demand of the State Registrar either in person, by mail or through the local registrar, a person having knowledge of the facts relative to any domestic partnership shall supply such information as he or she may possess, upon a form provided by the State Registrar or upon the original Certificate of Domestic Partnership.

8:2B-4.2 Corrections to Certificate of Domestic Partnership

(a) A Certificate of Domestic Partnership filed with the State Registrar shall not be altered or changed, except as provided in subsection (b) below.

(b) Corrections to a Certificate of Domestic Partnership shall be signed by the person who signed the original Certificate of Domestic Partnership or by any other person having personal knowledge of the matters sought to be corrected, which other person shall provide a sworn statement of the reason for the requested correction and provide documentation substantiating and justifying the modification to the Certificate of Domestic Partnership, which documentation is verifiable by the State Registrar.

8:2B-4.3 Termination of a Domestic Partnership

(a) Pursuant to N.J.S.A. 26:8A-10, the Superior Court has jurisdiction over all proceedings relating to the termination of a domestic partnership, including the division and distribution of jointly held property.

(b) Pursuant to N.J.S.A. 26:8A-10, the Superior Court shall notify the State Registrar of the termination of a domestic partnership.

(c) Upon receipt of notification from the court under (b) above, the State Registrar shall revise the records of domestic partnership provided for in N.J.S.A. 26:8A-9 to reflect the termination of a domestic partnership and shall notify the local registrar of the district in which the partnership was registered.